

Judgment / sentence date
Motion for new trial filed

No ☐ Yes ☐ Date _____

Deputy District Clerk

THE STATE OF TEXAS

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS

12/5/2019 8:37:06 AM

CAUSE NO. F / LISA MATZ

Clerk

VS.

JUDICIAL 265th DISTRICT COURT

DALLAS COUNTY, TEXAS

DEFENDANT'S NOTICE OF APPEAL AND PAUPER OATH APPOINTMENT OF ATTORNEY ON APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendant in the above cause and states: I am the defendant in the above cause; I was convicted in this cause and now give Notice of Appeal to the Texas Court of Appeals for the Fifth Supreme Judicial District of Texas of Dallas, Texas, and that I am penniless, destitute and indigent person, too poor to employ counsel to represent me on the appeal, and too poor to pay for or give security for the Statement of Facts and a true copy thereof herein. WHEREFORE, I pray that the Court will appoint an attorney to represent me in this appeal and that the Court will order the Court Reporter of this Court to prepare and deliver me or my appointed Counsel the original and a true copy of the Statement of Facts in this case, together with all exhibits attached thereto if practical.

See letter postmarked 11/4/19
Defendant

BEFORE ME, the undersigned authority, personally appeared the above Defendant, known to me to be the person whose signature appears above, and after being duly sworn on oath states that he is the defendant in the above cause, and that the matters and things set forth in the foregoing are true and correct in all things.

Felicia Pitre
District Clerk
Dallas County, Texas

By

Deputy District Clerk

ORDER

The Defendant having requested the Court to appoint Counsel, it is Ordered the Honorable

Public Def Appeal Address: _____

a regular licensed and practicing attorney of Texas, be, and he/she is hereby appointed to represent Defendant in prosecuting his/her appeal herein, and it is further Ordered that the Court Reporter is hereby directed to transcribe all of the notes as same may appertain to his cause and as taken during the trial of this cause which began on _____ and make Statement of Facts in duplicate and furnish same to defendant or his appointed Counsel.

[Signature]
Judge

10-7-19 5pm.

I Andrew Anderson #19044645
I want to appeal the court
decision in my case. I don't
agree with it I was lied to
and played with and now I
would like to ~~appeal~~ appeal my
case now my case # F19-5272
in court #265 please help me
do that.

19 DEC - 2 11:01 AM
A

Andrew Anderson
#19044645
P.O. Box 660334
Dallas TX 75224



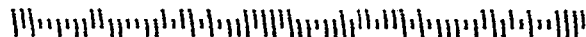
U.S. POSTAGE >> PITNEY BOWES



ZIP 75202 \$ 000.50⁰
02 4W
0000352612 NOV 04 2019

Dallas County Court # 265
133 N Riverfront Blvd
Dallas TX 75207

75207\$4300 C040



Sharon A Johnson

From: Sharon A Johnson
Sent: Sunday, December 1, 2019 11:27 AM
To: Julie Woods
Subject: appeal

I have appointed the Public Defenders office to an appeal—Andrew Anderson f-1952721
Deft filed a letter with the court requesting his case to be appealed.

Sharon Johnson
Court Coordinator
265th Judicial District Court
6th Floor, Room A-13
214-653-5842
214-653-5846(fax)
sharona.johnson@dallascounty.org

FILED
19 DEC -2 AM 9:37
FELICIA JANE
DISTRICT CLERK
DALLAS CO. TEXAS
DEPUTY
BC

Certification of Defendant's Right of Appeal

No. F19-52721

The State of Texas

In the CRIMINAL Court

v.
ANDREW ANDERSON
Defendant

of #265
Dallas County, Texas

19 OCT -7 AM 10:05
FEDERAL DISTRICT COURT
DALLAS COUNTY
CLERK

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I certify that this criminal case:

- ☒ is not a plea-bargain case, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, and the defendant has NO right of appeal;
- ☐ the defendant has waived the right of appeal.

[Signature]
Judge

10/7/2019
Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2, 68.3. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

[Signature]
Defendant

Mailing address: 2913 Bryan Brook Dr
Seagraves, TX
Telephone number: 469-650-729
Email Address (if any): _____

[Signature]
Defendant's Counsel

State Bar of Texas ID number: 13329500
Mailing address: P.O. Box 132691
DALLAS, TEXAS 75313
Telephone number: (972) 496-8872
Email Address: hivammcbeth@hotmail.com

* See TEX. R. APP. P. 25.2(a)(2).



CASE No. F-1952721-R COUNT
INCIDENT No. /TRN: 9249705557

THE STATE OF TEXAS

V.

ANDREW ANDERSON

STATE ID No.: TX07461686

§
§
§
§
§
§

IN THE 265th JUDICIAL DISTRICT

COURT

DALLAS COUNTY, TEXAS

JUDGMENT ADJUDICATING GUILT

Judge Presiding:	Jennifer Bennett	Date Sentence Imposed:	10/7/2019
Attorney for State:	Christine Harris 24048979	Attorney for Defendant:	HIRAM MCBETH 13329500
Date of Original Community Supervision Order:	7/25/2019	Statute for Offense:	22.02 A 2 Penal Code
Offense for which Defendant Convicted:			
AGGRAVATED ASSAULT WITH DEADLY WEAPON			
Date of Offense:			
3/5/2019			
Degree of Offense:	2ND DEGREE FELONY	Plea to Motion to Adjudicate:	TRUE
		Findings on Deadly Weapon:	YES, NOT A FIREARM
Terms of Plea Bargain (if any): or <input type="checkbox"/> Terms of Plea Bargain are attached and incorporated herein by this reference.			
OPEN PLEA			
Punishment and Place of Confinement:	5 YEARS , INSTITUTIONAL DIVISION, TDCJ		
Date Sentence Commences: (Date does not apply to confinement served as a condition of community supervision.)			
10/7/2019			

THIS SENTENCE SHALL RUN: **CONCURRENTLY.**

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR
(The document setting forth the conditions of community supervision is incorporated herein by this reference.)

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$	\$	\$	(See special finding or order of restitution which is incorporated herein by this reference.)

☐ Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.

(For sex offender registration purposes only) The age of the victim at the time of the offense was **N/A**

Total Jail Time Credit:	If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.		
170 DAYS	N/A DAYS	NOTES: N/A	

Was the victim impact statement returned to the attorney representing the State? **N/A**

(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? **N/A**

The Court previously deferred adjudication of guilt in this case. Subsequently, the State filed a motion to adjudicate guilt. The case was called for hearing. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared with Counsel.

☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

After hearing and considering the evidence presented by both sides, the Court FINDS THE FOLLOWING: (1) The Court previously found Defendant qualified for deferred adjudication community supervision; (2) The Court deferred further proceedings, made no finding of guilt, and rendered no judgment; (3) The Court issued an order placing Defendant on deferred adjudication community supervision for a period of **8 YEARS**; (4) The Court assessed a fine of \$ **0.00**; (5) While on deferred adjudication community supervision, Defendant violated the conditions of community supervision, as set out in the State's ORIGINAL Motion to Adjudicate Guilt, as follows:

Accordingly, the Court GRANTS the State's Motion to Adjudicate. FINDING that the Defendant committed the offense indicated above, the Court ADJUDGES Defendant GUILTY of the offense. The Court FINDS that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court ORDERS Defendant punished as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court ORDERS Defendant to pay the fine, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court ORDERS Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ **County Jail—State Jail Felony Conviction.** Pursuant to §12.44(a), Tex. Penal Code, the Court FINDS that the ends of justice are best served by imposing confinement permissible as punishment for a Class A misdemeanor instead of a state jail felony. Accordingly, Defendant will serve punishment in the county jail as indicated above. The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, and restitution ordered by the Court in this cause.

☐ **Confinement as a Condition of Community Supervision.** The Court ORDERS Defendant confined _____ days in _____ as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Execution of Sentence

☒ The Court ORDERS Defendant's sentence EXECUTED. The Court FINDS that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

Furthermore, the following special findings or orders apply:

The Court FINDS Defendant used or exhibited a deadly weapon, namely, MOTOR VEHICLE, during the commission of a felony offense or during immediate flight therefrom or was a party to the offense and knew that a deadly weapon would be used or exhibited. TEX. CODE CRIM. PROC. art. 42.12 §3g

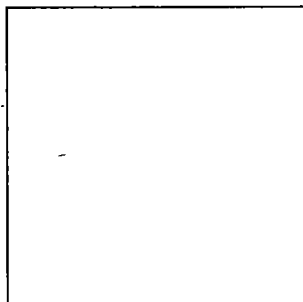
The Court FINDS that Defendant was prosecuted for an offense under Title 5 of the Penal Code that involved family violence. TEX. CODE CRIM. PROC. art. 42.013.

Date Judgment Entered:

X

JENNIFER BENNETT JUDGE PRESIDING

Clerk: Bryan Rangel



Thumbprint*

STATE OF TEXAS
vs.
ANDREW ALLEN ANDERSON

IN THE 265TH JUDICIAL DISTRICT COURT
of
DALLAS COUNTY, TEXAS

MOTION TO REVOKE PROBATION OR PROCEED WITH AN ADJUDICATION OF GUILT

COMES NOW the State of Texas by and through her Criminal District Attorney and would show the Court the following:

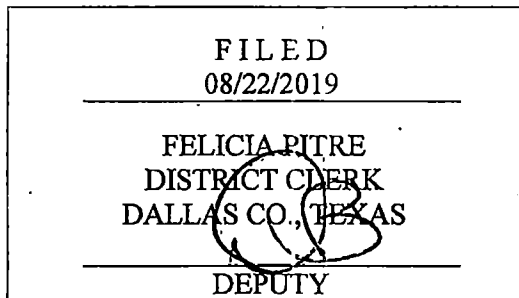
That Andrew Allen Anderson, Defendant, was duly and legally placed on probation for a period of 8 Years in the above entitled and numbered cause in the 265th Judicial District Court of Dallas County, Texas, on the 25th day of July, 2019 for the offense of: Agg Assault W/Deadly Weapon

That the Defendant has violated the following conditions: 19 of said supervision in that;

SEE ATTACHED PAGE(S)

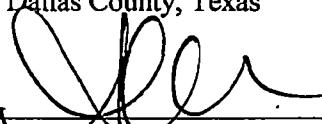
This violation-offense occurred after July 25, 2019 and during the term of Supervision.

WHEREFORE, the State prays that said Defendant be cited to appear before this Honorable Court and show cause why the Court should not revoke probation or proceed with an adjudication of guilt on the original charge.



John Cruzot
District Attorney
Dallas County, Texas

BY:


Assistant District Attorney

A copy of this motion was delivered to the Defendant on the 16th day of September A.D., 2019.


CSO

I received a copy of this motion on the 16th day of September A.D., 2019.


Defendant

STATE OF TEXAS

vs.

ANDREW ALLEN ANDERSON

IN THE 265TH JUDICIAL DISTRICT COURT
of

DALLAS COUNTY, TEXAS

MOTION TO REVOKE PROBATION OR PROCEED WITH AN ADJUDICATION OF GUILT

19. The Defendant, Andrew Allen Anderson, failed to refrain contact with SHAMICA THOMAS, be it in person, by mail, telephone or any form or communication with directly or indirectly, for the duration of the Supervision term;

**JUDGMENT
CERTIFICATE OF THUMBPRINT**

THE STATE OF TEXAS

CAUSE NO. F 19-52721

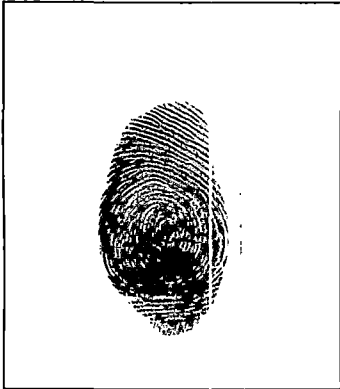
VS.

JUDICIAL 265th

DISTRICT COURT

ANDREW ANDERSON

DALLAS COUNTY, TEXAS



RIGHT THUMB



DEFENDANT'S RT **HAND**

THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE-NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

DONE IN COURT THIS 7 **DAY OF** October, **20** 15.

[Signature]
BAILIFF/DEPUTY SHERIFF

***INDICATE HERE IF PRINT OTHER THAN DEFENDANT'S RIGHT THUMBPRINT IS PLACED IN BOX:**

____ **LEFT THUMBPRINT**

____ **LEFT/RIGHT INDEX FINGER**

____ **OTHER,** _____

SIGNED AND ENTERED ON THIS OCT 07 2019 **DAY OF** _____, **20** 15.

[Signature]
PRESIDING JUDGE